| NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTEFERENCES | Docket Number (Optional) 300200342-01 US |
|---|---|

| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on _____ June 30, 2005 _____ Signature _____ Typed or printed name _____ Mia Kim _____ | In re Application of Stephen John HINDE et al. |
|---|---|

| | Application Number 09/990,766 | Filed November 21, 2001 |
|---|---|---|

For Location Data Validation by Static Entities Receiving...

| Art Unit 2655 | Examiner Huyen X. VO |
|---|---|

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))          $ ____500.00____

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:          $ _____

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☑ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. ____08-2025____. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record. Registration number _____.

☑ attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a). ____43,010____

Signature

ROBERT POPA
Typed or printed name

(323) 934-2300
Telephone number

June 30, 2005
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of ____1____ forms are submitted.

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*PATENT*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| Appellants: | **Stephen John HINDE et al.** | ) Examiner: Huyen X. VO |
| | | ) |
| Serial No.: | **09/990,766** | ) Art Unit: 2655 |
| | | ) |
| Filed: | **November 21, 2001** | ) Our Ref: 300200342-01 US |
| | | ) |
| For: | "VOICE COMMUNICATION CONCERNING A LOCAL ENTITY" | ) Date: June 30, 2005 |
| | | ) |
| | | ) Re: *Appeal to the Board of Appeals* |
| | | ) |

## BRIEF ON APPEAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from the Final rejection, dated April 28, 2005, for the above identified patent application. Please charge the amount of $500.00 for the fee set forth in 37 C.F.R. 1.17(c) for submitting this Brief to deposit account no. 08-2025. Appellants submit that this Appeal Brief is being timely filed, since the Notice of Appeal is filed concurrently and the initial deadline for filing the Notice of Appeal expires on July 28, 2005.

## REAL PARTY IN INTEREST

The real party in interest to the present application is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

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## STATUS OF CLAIMS

Claims 1 - 12, 16, 19 – 30, 34, and 37 - 38 are the subject of this Appeal and are reproduced in the accompanying appendix. Claims 13 - 15, 17 – 18, 31 – 33, and 35 – 36 have been cancelled.

## STATUS OF AMENDMENTS

No Amendment After Final Rejection has been entered.

## SUMMARY OF THE INVENTION

The invention described and claimed in the present application relates generally to providing a group of one or more local entities with a "voice" by using a voice service as a voice proxy for the entity (p. 11, ll. 17-28). When a user approaches any of these entities, the user is joined into a communications session with the voice service that is common to all other users such that at least some of the same voice-service output is heard by all users joined to the session (p. 26, l. 29 – p. 27, l. 1). This may be implemented through a session manager that detects the approach of a user and thus joins the user into the communication session, that provides voice web pages to each user, and that provides a dialog manager that determines what voice output to provide to all users joined in the session (p. 27, ll. 2-11). Each user can interact with any one entity in the group, and the session manager includes functionality to select the input from one user when users speak concurrently (p. 27, l. 29 – p. 28, l. 4).

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## ISSUES

Issue 1:      Whether claims 1-6, 8, 10-20, 22-24, 26, and 28-36 are patentable under 35 U.S.C. 102(b) over DE Patent No. 19747745 to Allinger (hereinafter "Allinger").

Issue 2:      Whether claims 16 and 34 are patentable under 35 U.S.C. 103(a) over Allinger.

Issue 3:      Whether claims 9 and 27 are patentable under 35 U.S.C. 103(a) over Allinger in view of WO 00/30329 to Scott (hereinafter "Scott").

Issue 4:      Whether claims7, 21 and 25 are patentable under 35 U.S.C. 103(a) over Allinger in view of U.S. Pat. No. 6,144,991 to England (hereinafter "England").

## GROUPING OF CLAIMS

For each ground of rejection which Appellants contest herein and which applies to more than one claim, such additional claims, to the extent separately identified and argued below, do not stand or fall together.

## THE ARGUMENT

**Issue 1:      Whether claims 1-6, 8, 10-20, 22-24, 26, and 28-36 are patentable under 35 U.S.C. 102(b) over DE Patent No. 19747745 to Allinger (hereinafter "Allinger").**

On page 2, section 3 of the Office Action of April 28, 2005, the Examiner rejects claims 1-6, 8, 10-20, 22-24, 26, and 28-36 under 35 U.S.C. 102(b) as being anticipated by DE Patent No. 19747745 to Allinger. In particular, the Examiner finds that, with regard to independent claim 1, Allinger discloses upon a user approaching any entity of the group, automatically

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initiating provision of a group-related voice service to that user by joining the user into a communication session established for the service and common to all users of the voice service at p. 5, l. 33 – p. 6, l. 5. This is not correct. The passage of Allinger cited by the Examiner recites:

> The system control (9) assembles, by means of the input parameters (for instance previous path and current position of the visitor, preferably also the direction in which he is looking, previous responses of the visitor to information already provided) from a database (11) with a multiplicity of individual information items stored in the system, preferably in a digitized form as hard disk, read only memory or CD ROM, an information package fitting the exhibit currently being looked at or the current position of each visitor and transmits it via the transceiver devices (10 and 5) to the communication units (4).

There is clearly nothing in this passage that can be understood as disclosing a communication session established by a voice service that is common to a plurality of users and to a plurality of entities that belong to a same group. This passage, on the contrary, clearly teaches that each user of the Allinger system is provided with a highly personalized information package that is certainly not common to any other user, regardless of their physical proximity, because it takes into account previous factors such as previous path, previous responses, etc.

The Examiner further asserts that Allinger also discloses the voice service being hosted by a voice-service system with each user that is joined to the session communicating with the voice-service system over a respective communication channel for voice input and output at p. 5, l. 33 – p. 6, l. 5 (reproduced above) and referring to Fig. 1, "*if two visitors are at the same location at substantially the same time, both visitors would be able to listen to the voice services.*" The Examiner emphasizes this on page 2 in section 1 of the Action, wherein he asserts that "*when two or more users at a substantially the same exhibit, the system provides the same*

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*voice services for the users.*" This is simply wrong and flies in the face of Allingers' clear and unequivocal disclosure. As already discussed above, the cited passage very explicitly teaches that each user receives a highly personalized information package that is dependent not only on the user's current location but also each user's previous path, current direction of sight, and previous responses to information already provided. Thus, the fact that two users may be standing elbow to elbow in front of the same exhibit is most certainly <u>not</u> a guarantee that they will receive the same information package (voice service) unless their previous actions since entering the museum (in which Allinger's system operates) have been <u>one hundred percent identical</u>. Such mere possibility is not anticipatory of the claimed method wherein a common communication session is set up for all users and to which each user is joined merely upon approaching an entity, regardless of that user's previous actions and interactions. The claimed method aims specifically at providing at least some common voice output to all users standing near a particular entity, which in Allinger is a mere possibility that could only be discerned by the Examiner through the application of hindsight as informed by a reading of Appellants' present application.

The Examiner continues to find that Allinger also discloses managing the voice service as a single common dialogue interaction with all the users joined to the session, each such user hearing at least some of the same voice-service output as all other users, declaring that "*taking the fact that users can move freely through the room (page 4), two or more users can be at the same place viewing the same exhibit at the same time. And thus, the control system 9 would transmit the same voice services regarding the particular exhibit to those users and also. Albukerk et al. (US 5929848) teach that the exhibits continuously transmit voice services for user device. So, two or more users at substantially same location would be able to receive the same voice services.*" The seemingly gratuitous citation to Albukerk notwithstanding, Appellants have exhaustively addressed the Examiner's insistence on dismissing the plain disclosure of Allinger in favor of his personal belief that two users standing at the same location must, for some unfathomable reason, receive the same voice service. No, they don't. They receive different, personalized voice services.

For all of the above reasons, Appellants submit that Allinger does not in fact disclose each and every limitation of claim 1 nor render them obvious, and thus respectfully request that the Examiner be reversed on Appeal and claim 1 passed to issue.

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Claims 2-6, 8, 10-12, and 16 depend from claim 1. In view of the above discussion, it is submitted that claim 1 is allowable, and for this reason claims 2-6, 8, 10-12, and 16 are also allowable and Appellants respectfully request that these claims be passed to issue.

Claim 19 is an apparatus claim that corresponds generally to method claim 1. Appellants thus submit that the previous discussion of Allinger is equally relevant and dispositive of the novelty and non-obviousness of claim 19 over Allinger and respectfully request that claim 19 likewise be passed to issue.

Claims 20, 22-24, 26, and 28-30, and 34 depend from claim 1, and for this reason claims 20, 22-24, 26, and 28-30, and 34 are also allowable and Appellants respectfully request that these claims be passed to issue.

**Issue 2:     Whether claims 16 and 34 are patentable under 35 U.S.C. 103(a) over Allinger.**

On page 7, section 16 of the Office Action of April 28, 2005, the Examiner rejects claims 16 and 34 under 35 U.S.C. 103(a) as being unpatentable over Allinger.

Claims 16 and 34 depend from claim 1 and 19, respectively. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claims 1 and 19, Appellants submits that claims 16 and 34 are also allowable.

**Issue 3:     Whether claims 9 and 27 are patentable under 35 U.S.C. 103(a) over Allinger in view of WO 00/30329 to Scott (hereinafter "Scott").**

On page 8, section 18 of the Office Action of April 28, 2005, the Examiner rejects claims 16 and 34 under 35 U.S.C. 103(a) as being unpatentable over Allinger in view of Scott.

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Claims 9 and 27 depend from claim 1 and 19, respectively. Therefore, in light of the above discussion of claims 1 and 19, Appellants submit that claims 9 and 27 are also allowable. Appellants further wish to state on the record that they do not agree with the Examiner that Scott is analogous art to Allinger.

**Issue 4:** **Whether claims 7, 21 and 25 are patentable under 35 U.S.C. 103(a) over Allinger in view of U.S. Pat. No. 6,144,991 to England (hereinafter "England").**

On page 10, section 21 of the Office Action of April 28, 2005, the Examiner rejects claims 7, 21 and 25 under 35 U.S.C. 103(a) as being unpatentable over Allinger in view of England.

Claim 7 depends from claim 1, and claims 21 and 25 depend from claim 19. Therefore, in light of the above discussion of claims 1 and 19, Appellants submit that claims 7, 21 and 25 are also allowable. Appellants further wish to state on the record that they do not agree with the Examiner that England is analogous art to Allinger.

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## CONCLUSION

In view of the extensive reasons advanced above, Appellants respectfully contend that each claim is in fact novel and patentable. Therefore, reversal of all rejections and objections and re-opening of the prosecution is respectfully solicited.

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_____June 30, 2005_____
(Date of Transmission)

_____Mia Kim_____
(Name of Person Transmitting)
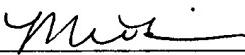
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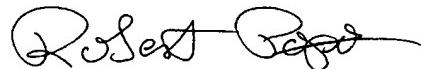
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Attachments

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Claims

1.   (previously presented)    A method of voice interaction with a group of one or more entities, comprising:

upon a user approaching any entity of the group, automatically initiating provision of a group-related voice service to that user by joining the user into a communication session established for the service and common to all users of the voice service, the voice service being hosted by a voice-service system with each user that is joined to the session communicating with the voice-service system over a respective communication channel for voice input and output;

managing the voice service as a single common dialogue interaction with all the users joined to the session, each such user hearing at least some of the same voice-service output as all other users.

2.   (original) A method according to claim 1, wherein the voice service selects voice input from one user at any one time in order to determine its next voice output.

3.   (original) A method according to claim 2, wherein users do not hear voice input from other users except for the voice input selected by the voice service.

4.   (original) A method according to claim 2, wherein the voice service selects the voice input from each user currently joined to the session on a sequential basis.

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5.   (original) A method according to claim 2, wherein the
selected voice input is the first input received in response to
a completed voice output turn by the voice service.

6.   (original) A method according to claim 2, wherein the voice
service content is divided into sections each comprising at
least one voice input and at least one voice output, the user
providing the selected voice input being kept the same
throughout the delivery of a section.

7.   (original) A method according to claim 1, wherein each user
connected to the session hears voice input from all other such
users and all voice output by the service.

8.   (original) A method according to claim 1, wherein the
service provides voice output specific to a particular entity of
said group, this output being provided only to the users near
that entity.

9.   (previously presented)   A method according to claim 1,
wherein the voice service is effected by the serving of voice
pages in the form of text with embedded voice markup tags to a
voice browser of the voice service system, the voice browser
interpreting these pages and carrying out speech recognition of
selected user voice input, text to speech conversion to generate
voice output, and dialog management; the voice browser being
disposed between a voice page server and an arrangement for
selecting voice input from amongst the input received from all
users and for distributing to the users the voice output of the
voice browser.

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10.  (previously presented)  A method according to claim 1, wherein the initiating of service provision is effected by the transfer of service contact data to user equipment carried by the user, the user equipment then using the contact data to contact the voice service over a wireless connection.

11.  (previously presented)  A method according to claim 1, wherein the initiating of service provision is effected by the transfer of user contact data from user equipment to a receiving device in the vicinity of the entity concerned, the user contact data being passed from the receiving device to the voice service to enable the latter to contact user equipment over a wireless connection.

12.  (previously presented)  A method according to claim 1, wherein the initiating of service provision is effected by determining the relative locations of the user and said entities and initiating the voice service only when the user moves close to a said entity.

13. – 15.  (cancelled)

16.  (previously presented)  A method according to claim 1, wherein voice service sound output to at least one user joined to the communication session is through multiple sound output devices in the form of headphones worn by the user and controlled in dependence on the relative positions of the user and entity and rotations of the user's head so that the sound output appears to emanate from the location of said local entity independently of the user's position and head orientation relative to the entity.

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17. - 18. (cancelled)


19.   (previously presented)   A system for enabling verbal
communication on behalf of a group of one or more entities with
nearby users, the system comprising:

    for each user, user-carried equipment comprising an audio
    output arrangement, an audio input arrangement, and a
    communications subsystem;

    a voice service arrangement for providing a group-related
    voice service, the voice service arrangement comprising:

        a communications subsystem for establishing respective
        communication channels with each user-carried equipment
        for user voice input and voice-service output,

        a session control arrangement for joining multiple users
        into a communication session established for the service
        and common to all users of the voice service, and

        a dialogue interaction manager for managing the voice
        service as a single common dialogue interaction with all
        users joined to the session whereby to enable such users
        to contemporaneously hear at least some of the same voice-
        service output;

    a service initiation arrangement for automatically initiating
    voice service delivery to a user approaching any entity of
    said group by causing said session control arrangement to
    join the user to the communication session of the voice
    service with a communication channel being established
    between the user's equipment and  the voice service
    arrangement.

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20.   (previously presented)    A system according to claim 19,
wherein the voice service arrangement further comprises an input
selection  arrangement for selecting voice input from one user
at any one time for use by the dialogue interaction manager in
determining its next voice output.

21.   (previously presented)    A system according to claim 20,
wherein the voice service arrangement is operative only to pass
on voice input from any user to other users when that voice
input is selected by the input selection arrangement for use by
the dialogue interaction manager .

22.   (previously presented)    A system according to claim 20,
wherein the input selection arrangement is operative to select
voice input from each user currently joined to the session on a
sequential basis.

23.   (previously presented)    A system according to claim 20,
wherein the input selection arrangement is operative to take as
the selected voice input the first input received in response to
a completed voice output turn by the voice service.

24.   (previously presented)    A system according to claim 20,
wherein the voice service content is divided into sections each
comprising at least one voice input and at least one voice
output, the dialogue interaction manager  being operative to
keep unchanged the user providing the selected voice input
throughout the delivery of a section.

25.   (previously presented)    A system according to claim 19,
wherein the voice service arrangement is operative to pass to

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each user connected to the session  voice input from all other
such users and all voice output by the service.


26.   (previously presented)   A system according to claim 19,
wherein the voice service arrangement is arranged to provide
voice output specific to a particular entity of said group and
to provide such output only to the users near that entity.


27.   (previously presented)   A system according to claim 19,
wherein the voice service arrangement further comprises:

   - a voice page server for serving voice pages in the form of
     text with embedded voice markup tags; and
   - a voice browser comprising:
       - a speech recognizer for carrying out speech recognition
         of user voice input received as voice signals;
       - a dialog manager, for effecting dialog control on the
         basis of output from the speech recognizer and pages
         served by the voice page server; and
   - a text-to-speech converter operative to convert voice pages
     into voice output signals under the control of the dialog
     manager;
the voice browser being operatively disposed between the voice
page server and the session control arrangement.


28.   (previously presented)   A system according to claim 19,
wherein the service initiation arrangement comprises a transfer
arrangement  for transferring service contact data to said user-
carried equipment, and a contact arrangement  at the user
equipment for using the contact data to contact the voice

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service arrangement using said communication subsystem of the
equipment.

29.   (previously presented)   A method according to claim 19,
wherein the service initiation arrangement comprises a receiving
device in the vicinity of the or each entity, and a transfer
arrangement  for transferring user contact data from user
equipment to the receiving device, the receiving device being
operative to pass the contact data to the voice service
arrangement to enable the latter to contact the user equipment
over a wireless connection.

30.   (previously presented)   A method according to claim 19,
wherein the service initiation arrangement comprises a
comparison arrangement for determining and comparing the
locations of the user and said entities, and an arrangement  for
initiating the voice service only when the user moves close to a
said entity as determined by the comparison arrangement.

31. - 33. (canceled)

34.   (previously presented)   A system according to claim 19,
wherein said audio output arrangement comprises for at least one
user, multiple sound output devices in the form of headphones of
user-carried equipment, and a controller  operative in
dependence on the relative positions of the user and entity and
rotations of the user's head, to control the voice-service sound
output provided via said headphones such that the sound output
appears to emanate from the location of said local entity
independently of the user's position and head orientation
relative to the entity.

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35. - 36. (canceled)


37. (previously presented) A method according to claim 1, wherein said group comprises multiple entities each located at a different respective location, users at or near different ones of the entities being joined into the same said communication session.

38. (previously presented) A system according to claim 19, wherein said group comprises multiple entities each located at a different respective location, the system being arranged to join users at or near different ones of the entities into the same said communication session.